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In re Application of HIROTA et al
U.S. Application No.: 10/516,638
PCT Application No.: PCT/JP02/11785
Int. Filing Date: 12 November 2002
Priority Date Claimed: 06 June 2002
Attorney Docket No.: 14633.5USWO
For: PROCESS FOR DEUTERATION OF INERT
METHYLENE

DECISION

This is in response to applicant's "Request for Reconsideration" filed 01 October 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 12 November 2002, applicant filed international application PCT/JP02/11785, which claimed priority of an earlier Japan application filed 06 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 18 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2004.

On 15 November 2004, applicant purportedly filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the Express Mail Post Office to Addressee service of the USPS ("Express Mail"). The submission, which was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1), was accorded a receipt date of 02 December 2004.

On 29 April 2005, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 02 December 2004 as the date of receipt of the 35 U.S.C. 371 requirements.

On 30 September 2005, applicant filed a petition under 37 CFR 1.10(c).

On 30 July 2007, this Office mailed a decision dismissing the 30 September 2005 petition.

On 01 October 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the national stage papers were originally filed on 17 November 2004. Specifically, the copy of the return postcard, which includes the national stage papers in its itemized contents and which bears a USPTO date stamp of 17 November 2004, serves as prima facie evidence that the national stage papers were received by the USPTO on 17 November 2004.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 April 2005 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 November 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 November 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 17 November 2004 as the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements and the date of completion of all 35 U.S.C. 371 requirements.



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